

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

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CIVIL ACTION NO. 2:23-CV-00052-JRG

ORDER

Before the Court is Defendant Charter Communications, Inc.’s (“Charter”) Motion to Dismiss the Amended Complaint for Improper Venue Pursuant to FRCP 12(b)(3) (the “Motion to Dismiss”). (Dkt. No. 13.) In the briefing for the Motion to Dismiss, Charter admits that the Motion is based on “nearly identical facts and arguments” as that of its Motion to Dismiss for Improper Venue in related case *Entropic Communications, LLC v. Charter Communications, Inc.*, No. 2:22-cv-0125-JRG (E.D. Tex.) (the “125 Case”) (Dkt. No. 18), which was denied by order of this Court on May 3, 2023 (125 Case, Dkt. No. 91).¹ (Dkt. No. 26. At n.1.) Charter petitioned the Federal Circuit for a writ of mandamus directing this Court to dismiss the 125 Case for improper venue, and the petition was denied by the Federal Circuit. (125 Case, Dkt. No. 161.)


Despite stating that the Motion was based on “*nearly* identical facts and arguments,” Charter admitted in subsequent briefing that “there is no materially substantive basis for distinguishing this case from the 125 case for purposes of the venue Motion to Dismiss.” (Dkt. No.

¹ Charter states in its briefing: “[a]lthough this Court recently rejected [Charter’s] motion to dismiss for improper venue in *Entropic Communications, LLC v. Charter Communications, Inc.*, No. 2:22-cv-0125 (E.D. Tex.), Dkt. 91 (Order dated May 3, 2023, filed under seal) based on nearly identical facts and arguments, [Charter] respectfully disagrees with the decision, and files this reply to preserve its arguments and rights while it explores whether to seek appellate review of the Court’s May 3, 2023 decision.” (Dkt. No. 26 at n.1.)

43.) Accordingly, the Court finds that the Motion to Dismiss (Dkt. No. 13) should be and hereby is **DENIED** for the same reasons and on the same bases as contained in the Court's Order denying Charter's prior Motion to Dismiss for Improper Venue in the 125 Case. (See 125 Case, Dkt. No. 91.)

So Ordered this

Oct 23, 2023



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE